

03cv17000zce-ord(DissolveOrder).wpd

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: WELDING FUME PRODUCTS
LIABILITY LITIGATION**

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**Case No. 1:03-CV-17000
(MDL Docket No. 1535)**

JUDGE O'MALLEY

MEMORANDUM AND ORDER

On June 24, 2003, the Judicial Panel on Multidistrict Litigation (“JPML”) issued its initial Transfer Order establishing *In re: Welding Fumes Products Liability Litigation*, MDL No. 1535, and assigning the MDL to the undersigned. *See* master docket no. 1. Pursuant to 28 U.S.C. §1407, the JPML subsequently transferred over 12,000 additional cases to MDL No. 1535 for purposes of coordinated or consolidated proceedings. In issuing the original Transfer Order, the JPML noted that all of these cases “share factual questions concerning, *inter alia*, whether exposure to welding fumes causes the conditions complained of by plaintiffs and whether defendants knew or should have known of any health risks associated with exposure to welding fumes.”

In April of 2012, after almost nine years of proceedings in MDL No. 1535, the parties were able to reach a global resolution of what remained of the litigation, whereby virtually all of the persons having claims still pending in and related to MDL No. 1535 agreed to participate in a settlement and/or to dismiss their cases. *See* master docket no. 2576 & 2578. At that time, there remained three cases that did not participate in the global resolution. Since then, however, those three cases also have been

resolved.

This Court, therefore, **RECOMMENDS** to the Judicial Panel on Multidistrict Litigation that MDL No. 1535 be **dissolved**, because it has served its purpose and all of the cases subject to MDL No. 1535 have now been resolved and concluded. Exclusive jurisdiction to resolve any disputes between the parties related to any issues arising from the agreed global resolution of MDL 1535 and any aspect of its implementation shall lie with the undersigned or her designee, but subject to the dispute-resolution provisions contained in the parties' global resolution agreement.

Further, it is **ORDERED** that the Clerk of this Court shall: (1) file a copy of this Order on the general docket for MDL No. 1535; and (2) provide a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation.

IT IS SO ORDERED.

/s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES CIRCUIT JUDGE FOR
THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT,
SITTING BY DESIGNATION

DATED: March 25, 2013